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The Daily Courant

Wednesday, February 17. 1714.

DUBLIN.

EVidence given in to the House of Commons of this Kingdom, the 21st of December, touching the State of the Case of this City, printed by Order of the House.

I. AN Inspeximus of King Edward the First, of several Grants made by King Henry the Third; by which it appears that Henry the Third granted to the Citizens of Dublin and their Successors, that they might for ever after chuse out of themselves a Mayor yearly, so as the Person elected should be presented to the King, or in his absence, to his Justices, and swear Fealty to the King: And that it might be lawful for them at the End of the Year to remove such Mayor, and to substitute another if they pleased, or to continue him in his Mayoralty, so as the same should be shewn to the King, or his Justices.

II. A Charter granted by King Henry the Fifth, dated the 23d of November, in the Second Year of his Reign; by which he confirms to the City of Dublin several Grants and Charters of his Predecessors, particularly a Charter of King Edward the Third, which granted and confirmed to the Citizens of Dublin such Liberties as Cork, Waterford and Drogheda enjoyed: In which Charter there is a Clause, That the Mayor elected from among themselves, annually shall take his Oath before his Predecessor, unless the Justices, or one of the Barons of the Exchequer be then in Dublin, and in such Case before them.

III. A Charter dated the 21st of April, in the 2d of Edward the Sixth, which mentions the Names of the then Mayor and Bailiffs, and turns the Bailiffs into Sheriffs, grants that the then Mayor shall be Mayor of the said City, according to the Custom of the City, till the Feast of St. Michael the Arch-Angel next ensuing; and that the Bailiffs shall be Sheriffs of the said City till the said Feast, as they used to be Bailiffs, according to like Custom: And that Sheriffs shall be chosen every Year at the same Times and Places, and in the same Manner as the Bailiffs used formerly to be chosen: And Wills that the Sheriffs so from Year to Year named, chosen, and sworn, as aforesaid, shall be deemed and taken as the Successors of the Bailiffs, &c.

IV. A By-Law made the 3d of Richard the Third, by which it is (among other things) ordered, That the Jurees (i. e. the Aldermen) shall all meet on every Holyrood-Day, to Name one of themselves to be Mayor, from the Feast of St. Michael then next ensuing, for the space of one whole Year: And if the Person so named come not to the Election of Mayor, as he was named on Holyrood-Day, according to the Law of the said City, which hath been used of time that no mind is, to pay Twenty Pounds: And if a Juree shall absent himself on Holyrood-Day without reasonable Cause, that he have none Election on Michaelmas: Provided, That no Juree that shall be chosen Mayor, and serve for a Year, shall not be elected within Three Years after, without his own Assent.

V. A By-Law made at Easter Assembly, in the Eleventh Year of Queen Elizabeth, which is in the following Words. 'It is agreed by the Authority of 'this Assembly, to eschew Contention that yearly ariseth upon Election of Mayor, that every Alderman 'shall keep his Turn for bearing the Charge of Mayoralty, according to his Anciency: And all Laws, 'Ordinances, Establishments, Licenses, Grants, and 'Orders heretofore made or granted to the contrary 'hereof, shall be by Authority of this Assembly revocated, repealed, annulled and utterly frustrated and 'void.

VI. A By-Law made at Christmas Assembly 1652, recites the last mentioned By-Law made in the Eleventh of Queen Elizabeth, and that the Election of a Mayor by the Mayor and Aldermen, with the Assistance of such as by that Assembly should be concluded upon, will be more agreeable to the original Constitution of the Corporation, in the point of Election of their yearly Mayor: And recites further, That the Commons desired the Assembly to lay down a Course therein. And the said By-Law orders and directs, That the Mayor be thenceforth yearly elected from among such of the Aldermen as have not born the Office of Mayor in their own Right, or in defaute of such, out of the Aldermen at large, to be made according to the ancient Custom of the City, by the Mayor and Aldermen calling to their Assistance the Sheriffs and Sixteen of the Commons then present, to be appointed by the Sheriffs. And that By-Law further orders, That the Mayor shall thenceforth be elected at such times as anciently have been accustomed in such manner as in the Petition is desired, provided there be three of the Aldermen that have not served in their own Right, to be nominated by the Mayor and Aldermen, put in Election; and if there be not so many, then out of the Aldermen at large.

VII. A By-Law made at Easter Assembly 1657, which recites, That a Petition had been preferred by the Commons, setting forth, That by the ancient and laudable Customs and Usages of the City the Office of Mayoralty went in Course of Succession; but of late hath been made Elective, which was found not to be so convenient as the Course of Succession; and thereupon it was Ordered, Enacted, and Declared, That every Alderman who had not born the Office of Mayor in his own Right, shall keep his Turn for bearing the Office and Charges of Mayoralty, according to his Anciency successively; and all Laws, Ordinances, Establishments and Orders heretofore made to the contrary are nulled thereby.

VIII. The Rules, Orders and Directions made by the Lord Lieutenant and Council, for the better regulating the Corporation of the City of Dublin, and the electing of Magistrates and Officers there, pursuant to the Powers given them by the Act of Explanation; By which Act it is Enacted, 'That it may 'be lawful for the chief Governor and Council of 'Ireland, for the time being, during Seven Years, to 'be accounted from the 29th of September 1665, to 'make such Rules, Orders, and Directions for regulating Corporations, and electing Magistrates there; 'and to inflict such Penalties for the Breach as they 'shall think fit, so as the Penalties do not extend further than the Removal and Disfranchisement of such Persons as shall be found guilty of the breach thereof. Which Rules are by the said Act as good and effectual in the Law, as if specially established by Parliament, and to continue in force for such time as in the said Rules shall be appointed.

Which Rules direct, That upon every Election of Lord Mayor, Sheriffs, &c. for the City of Dublin, the Names of the Persons elected shall be by the said Corporation, within Ten Days after such Election, presented to the chief Governor and Privy Council, to be approv'd of by them; And that no Person elected shall be capable of serving, till approv'd of by the chief Governor and Council, by Order under their Hands; And if the Persons whose Names shall be so presented, or any of them, shall not be so approv'd, within Ten Days after their Names are presented, the Corporation shall from time to time proceed to a new Election of fit Persons, and present their Names as aforesaid, till they shall have chosen such Persons as shall be approv'd of as aforesaid: And that the Election of Lord Mayor, Sheriffs, &c. shall be only by the Lord Mayor and Aldermen, there being always Eight Aldermen at the least present at the time of such Election, and that no other Person whatsoever shall have any Vote in such Election.

These Rules require the Treasurer, Sheriffs and Receiver of the City Revenue, yearly within six Months next after the expiration of one whole Year, wherein they shall serve, in the Execution of their Offices, to account from time to time, upon pain of being disfranchised by the Lord Mayor and Aldermen: And if they neglect to do it, by the Lord Lieutenant and Council; and imposeth the Penalty of disfranchisement in other Cases. And that the Common-Council shall consist of the Lord Mayor and Four and Twenty Aldermen (or any Eight or more of them, who shall sit apart by themselves) and of the Sheriffs and Sheriffs Peers, not exceeding Forty Eight in Number, and of Ninety Six Persons to be chosen out of the several Guilds

Common-Council to be cho-
November: And to that end the
out of which Persons were usually cho-
-Council-Men before making those Rules,
required to nominate and elect double the
er of Persons usually chosen out of such Guild,
whose Names are to be presented by the Masters and
Wardens of the Guild in the Month of November, to
the Lord Mayor for the time being, who is by those
Rules authorized and required in the Presence of one
of the Sheriffs and Eight of the Aldermen before the 24th
of December following, to elect out of the Persons so
presented the Number usually serving in the Common-
Council for each such Guild; which Persons so pre-
sented and elected, shall be of Common-Council
for Three Years from that time: And if any Guild
shall neglect to elect and nominate Persons as afore-
said, the Lord Mayor and Aldermen, or usual Quo-
rum of them, are required, between the last of No-
vember and the Four and Twentieth of December, to
elect Common-Council-Men out of such Guilds so
failing.

IX. It was given in Evidence that Alderman Charles Forrest was on the 6th Day of May 1709, chosen Lord Mayor of Dublin for the Year commencing from Michaelmas then next ensuing; and that Alderman Robert Constantine, who was the Senior Alderman that had not been Lord Mayor, was, at his Request, by the unanimous Consent of the Board of Aldermen, admitted to pass above the Cushion, and to wear Scarlet: Which Order for admitting Alderman Constantine above the Cushion, was signed by Sir William Fownes then Lord Mayor, and several of the Aldermen.

That afterwards Alderman Constantine petitioned the then Lord-Lieutenant, the Earl of Wharton, and Council, against the Approbation of Alderman Forrest; but Forrest was approved and sworn Lord Mayor; and dying in his Mayoralty, Alderman John Page was on the 19th of April 1710, chosen Lord Mayor for the remainder of the Year, and was sworn and continued Lord Mayor till Michaelmas following.

That on the 21st of April 1710, Alderman John Eccles was chosen Lord Mayor for one Year, to commence from Michaelmas following; and was approved and sworn, and served his Year, without any Petition or Objection made by Alderman Constantine against his Election or Approbation, though he was a younger Alderman than Constantine.

That on the 13th of April 1711, Alderman James Barlow was chosen Lord Mayor, and Mr. Henry Gleg and Mr. Thomas Somerville, Sheriffs, for one Year, to commence from Michaelmas following; which Election was certified in the usual Manner. That Alderman Robert Constantine preferred a Petition to Sir Constantine Phipps, Knt. Lord High Chancellor of Ireland, and Lieutenant-General Ingoldsby, then Lords Justices of this Kingdom, and the Privy Council, setting forth, That he was the eldest Alderman of the City who had not been Lord Mayor: That it is the ancient immemorial and uninterrupted Usage of the City to elect a Senior Alderman below the Cushion, and that he had a Right to have been chosen in 1709, into that Office for the Year beginning the 29th of September 1709, and ending Michaelmas 1710, but had been passed by for that and the following Year, and younger Aldermen chosen: And that this Year he was postponed, and Alderman James Barlow chosen, and prayed to be heard by his Council before Alderman Barlow was approved: That the Lord Mayor and Aldermen answered the said Petition, and in their Answer insisted, That there was no such Immemorial, Usage, or Custom as in the Petition; but that the Right of Election was in the Lord Mayor and Aldermen: That the Petitioner was in Election in 1709, and a great Majority of Aldermen then voted against him, and that he at his own Request was admitted above the Cushion; and there being no Objection against the Sufficiency of Alderman Barlow, nor any pretence of Irregularity in the Election, they prayed their Excellencies and Lordships Confirmation.

That the Matter of the Petition was heard before the Lords Justices and Council, and the Election was not approved; the Reason whereof (as far as could be known or discovered) was, because Constantine was then supposed to have a Right by Succession as eldest Alderman, which was the only Point insisted on by Constantine's Council on the Hearing.

London, Febr[illegible]ary 17.

Yesterday South-Sea Stock [illegible], 86 three quarters, 86 one half, to 86 three quarters. Bank 121, 120 three quarters, to 121. India 118 one half. African 41 to 42.

This Day is Published, the 2d Edition of,

The ENGLISHMAN, being the Close of the Paper so called. With an Epistle concerning the Whiggs, Tories, and New Converts. By *RICHARD STEELE*, Esq; Printed for *Ford. Burleigh* in *Amen-Corner*. Price 6 d.

Whereas a SCHEME *was lately propos'd to the Corporation of the Amicable Society, not only to lessen but to [illegible] all their Yearly Payments of 6 l. 4 s. in 7 Years. The same proving contrary to their Charter, cou'd not be made use of, although great Advantages would have been had thereby, and therefore several Members of that Society have encouraged the Proprietor to form a new Society of the same Number, according to the said Scheme, which divides 16000 l. yearly, or 100 l. to every Claimant on the Death of a Nominee. A Subscriber is to pay 5 s. Entrance, and 4 l. per Ann. for 7 Years, and a Yearly Rebate of 4 l. on every Policy, to be deducted when a Claim is received. This Society is to commence the 10th of June next, and a Book for Subscriptions will be opened the 10th of March at Owen's Coffee-house at Simond's-Inn in Chancery-lane.*

By Her Majesty's Company of Comedians.

AT the Theatre-Royal in Drury-Lane, to Morrow being Thursday, the 18th of February, will be presented the Tragedy of Jane Shore.

AN Entertainment by Mr. CLINCH of BARNET, who imitates the Flute, Double Curtal, the Organ with 3 Voices, the Hoon, Huntsmen and Pack of Hounds, the Sham-Doctor, the Old Woman, the Drunken-Man, the Bells: All Instruments are performed by his natural Voice. To which is added an Essex Song by Mr. Clinch himself. To be seen this present Evening at 7 a Clock, at the Vine Tavern on Dowgate-Hill. Price 1 s.

The Gentlemen Educated at St. Paul's School, have unanimously agreed to Meet at Mr. Dutton's the Greyhound Tavern in Fleetstreet, every Wednesday Evening, at Six of the Clock.

Lost on Sunday last the 14th Instant, at St. Mary-Axe-Church, in the Afternoon coming out of Church, a Gold Case of a Repeating Watch, markt under the Linning W I. Whoever will bring the said Case to Mr. George Tyler, Watchmaker, in Pope's-Head-Alley, shall have a Guinea Reward, without any Question asked.

Bibliotheca Salmonæa, Pars Prima: Or, A Catalogue of Part of the Library of the Learned Wm Salmon, M. D. deceased. Consisting of many very valuable and uncommon Books, in several Faculties and Languages: Chiefly, in Physick, Chirurgery, Chymistry, Divinity, Philology, History, and other polite parts of Learning, most of the Classicks, Mons variorum, and other choice Editions, well Bound and very Fair, several being of the large Paper. Which will continue to be Sold by Auction at St. Paul's Coffee-House, next Door to Dean's Court the West End of St. Paul's, this Day (the 17th of February) beginning every Evening at 5 till the Sale is finished. The beginning Page 701. N° 964. English History, Miscellany, &c. Books in Quarto] By Tho. Ballard, Bookseller, at the Bible-Sun in Little-Britain: Where Catalogues may be had, and at the Place of Sale. Price 2 s. ☞ The remaining Part of the Medicines prepared by the late Doctor still continue to be Sold at his late Dwelling House.

For SALE by the CANDLE.

To Morrow the 18th Instant, at Garraway's Coffee-house in Exchange-Alley in Cornhill, at 3 in the Afternoon, (only one Hhd. of Claret in a Lot) viz. 45 Hogsheads of excellent old French Claret, Margaux, Obrion, and other of the best Growths of France, deep, bright, strong, and of the true Flavour: Also 6 Hogsheads of Hermitage Claret, fine and fit for Bottling, genuine and entire Parcels: In a Vault under the Plough (against Perch-alley Entry) in Grace-Church-street. To be seen and tasted this Day from 9 to 1, and from 2 to 5, and all Day to Morrow (as above) till the time of Sale. To be Sold by Tho. Tomkins, Broker, in Scething-lane in Tower-street.

For SALE by the CANDLE.

On Friday the 19th Instant, at Lloyd's Coffee-house in Lombard-street, at 5 a Clock in the Afternoon, (only one Cask of Wine in a Lot) viz. 30 Butts of excellent New Sherry Wines, Imported by the Ship John and William, Capt. Peter Mattinson, next, an entire Parcel, and 10 Butts of excellent New Mountain Malaga Wines, just landed at Cox-Key. To be seen and tasted in Warehouses in the Gateway of Cox-Key (Eastfall) between London-Bridge and Billings-gate. 4 Pipes and 2 Hogsheads of Old Red Oporto, 1 Pipe of Red Languedoc, 2 Hogsheads of Red Vidna, 6 ditto of Old Claret, a large ditto of Spanish White Wine, 30 half Hogsheads (and other Casks) of French Brandy, and 4 half Hogsheads of French White-Wine Vinegar; in a Vault under the House of Mercers Makers, Esq. on Great-Tower-Hill. To be seen and tasted this Day and to Morrow from 9 to 1, and from 2 to 5, and all Friday (as above) till the time of Sale. To be Sold by Tho. Tomkins, Broker, in Scething-lane in Tower-street.

Next Week will be Published,

The dark. A Poem, in Imitation of Du Bartas. By Mr. Purchase. Printed for Edward Castle near Whitehall.

LONDON, Printed by *Sam. Buckley*, at the *Dolphin* in *Little-Britain*; and Sold by *Ford. Burleigh* in *Amen-Corner*.